

## **REMARKS**

### **Amendments**

Claims 1-3, 5-7, 9-12, 14, 16-20, and 22-25 have been cancelled and replaced by new claims 35-73. The instant application is a continuation of US 6,175,008, which is a divisional of US 5,466,806. The new claims 35-72 are similar to claims issued in US '008 and '806.

Thus, new independent claims 35 and 36 are similar to claim 7 of US '008. However, claims 35 and 36 recite  $R_2$  groups that were cancelled during the prosecution of US '008. Claims 37-44 are similar to claims 2-4, and 6 of US '008. New claims 45-46 are similar to claim 9 of US '806. However, claims 45 and 46 recite  $R_2$  groups that were cancelled during the prosecution of US '008. New claims 47-49 are similar to claims 10-11 of US '008. Claims 51-54 are similar to claims 12-15 of US '806, although the  $R_2$  group is different. Claims 55 -56 are similar to claim 16 of US '008. However, claims 55 and 56 recite  $R_2$  groups that were cancelled during the prosecution of US '008. Claims 57-62 are similar to claims 17-19 of US '008.

New claims 63 -64 are similar to claims 4 and 5 of US '806. However, claims 63-64 recite  $R_2$  groups that were cancelled during the prosecution of US '806. New claims 65-72 are similar to claims 3 and 6-8 of US '806.

Finally, new claim 73 corresponds to original claim 34.

### **Rejections Under 35 USC 112**

At pages 2-7 of the Office Action, several 122, second paragraph, rejections are presented. However, applicants respectfully submit that the language of the present claims is sufficiently definite to one of ordinary skill in the art.

The use of silylation to protect bases during coupling reactions in the preparation of nucleosides and nucleoside analogues is readily understood by one of ordinary skill in the art. Thus, one of ordinary skill in the art can recognize whether such bases are silylated and thus can recognize whether a given embodiment falls within or outside the subject matter defined by applicants' claims. Nothing more is required under the statute with respect to definiteness of the language of the claims. Further, one of ordinary skill in the art is familiar with the use of silyl groups for protecting such bases and is well aware of the suitable silyl groups for such coupling reactions. In addition, in light of the resultant attachment between the R2 groups and the rest of the molecule, one of ordinary skill in the art is well aware of where the silyl groups are to be positioned. As for "Lewis acid," this is a well known term within the chemical arts and thus is clearly definite to one of ordinary skill in the art.


In view of the above remarks, withdrawal of the rejection under 35 USC 112, second paragraph, is respectfully requested.

### **Obviousness-Type Double Patenting Rejection**

As described above, the present claims define R2 in a manner which differs from the description of R2 in the claims of US '008 and US '806. It is respectfully submitted that the rejection fails to indicate how the claims of US '008 renders obvious the present claims. Withdrawal of the obviousness-type double patenting rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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Brion P. Heaney, Reg. No. 32,542  
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

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